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BEFORE THE

Federal Communications Commission

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2. Duhamel's stations, like many in smaller markets, are seriously handicapped, in comparison to large-market stations, in their capability to acquire and produce an abundance of children's educational and informational programming. This is particularly true with respect to locally produced programming. Duhamel is committed to producing educational and informational children's programming with a local flavor. Indeed, Duhamel's stations regularly produce local spot-length children's features, which run adjacent to standard-length programs in children's blocks and prime-time "family viewing" hours. However, Duhamel simply cannot afford to produce full-length local children's programs.

3. For this reason, Duhamel is seriously concerned about the NOI's statement that broadcasters should focus on standard-length programming and give "secondary importance" to short-segment programming. NOI, para. 8. Since most broadcasters in small markets cannot afford to produce standard-length local programming, such an approach would inevitably lead small-market

Commission to give ample credit for short-segment programming directed to children, particularly programming which is locally produced.

4. Duhamel also is concerned about certain aspects of the stricter "guidelines" suggested in the NOI as to the amount and type of children's programming to be presented by licensees. For
states as expressed "guidelines" is a minimum of one hour of

Duhamel's. For example, Duhamel's stations air "ABC World News This Morning" at 5:00 a.m., followed by "Good Morning America" from 6:00-8:00 a.m., then by "Donahue" from 8:00-9:00 a.m. Thus, there is no time for a children's programming block in the morning. The same is true in the afternoon, where Duhamel's contractual commitments to syndicated programs such as "Oprah," "Jeopardy," and "Hard Copy" preclude its stations from devoting time on weekday afternoons to a children's programming block.

7. For the practical reasons set forth above, Duhamel strongly counsels against immediately adopting a minimum requirement of children's educational and informational programming on weekdays. At a minimum, such a requirement should take into account stations' commitments to network programming, and allow stations' preexisting commitments to syndicated programming to expire.

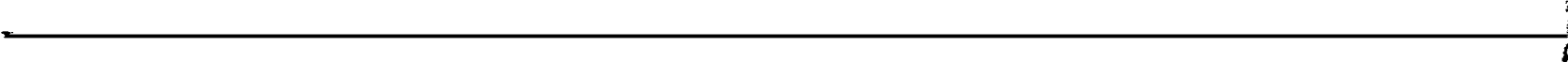





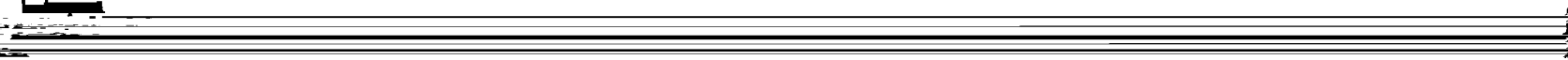









8. Duhamel also urges the Commission not to strictly define the hours during which children's educational and informational programming should be aired. Duhamel's stations operate in the Mountain Time Zone, where programming is seen one or two hours earlier in the day than on the East Coast. As a result, people in the areas served by Duhamel's stations are accustomed to rising at an earlier time, and viewing television at an earlier hour. For instance, Saturday morning children's programming in Duhamel's service area has long begun at 6:00 a.m. Children are accustomed to this, and are up by this hour. Thus, a required time period for airing children's programming that

might arguably be reasonable for stations in other parts of the country would be misplaced with respect to Duhamel's stations, which customarily receive high child viewership at an earlier hour of the day. In order to provide for the differing habits of viewers in various parts of the country, the Commission should refrain from adopting inflexible time periods within which children's programming is required to be aired.

9. In the NOI, the Commission states that "it may be appropriate to specify that the primary objective of qualifying 'core' children's programming should be educational and informational, with entertainment as a secondary goal." NOI, para. 8. Since broadcasting is primarily a medium of entertainment, Duhamel finds this definition overly confining. It is difficult to understand why a program cannot be both educational and informational as well as entertaining. Indeed, unless a program of even the highest educational and informational value is mixed with a degree of entertainment, children will not watch the program. Moreover, much programming which might be predominately "entertaining," such as "Little House on the Prairie," contains a substantial amount of educational value to children. If children can be reached more effectively through a program which combines education and information with entertainment, there is no reason to discount such a program.

10. Thus, the definition of programming which serves the educational and informational needs of children should not be

restricted. Rather, licensees should be permitted to demonstrate how their programming serves the needs of children, and they should be given broad discretion in doing so. As the above



contain the necessary flexibility to account for the varying situations of broadcasters nationwide. Any further guidelines adopted by the Commission should continue to provide such flexibility.

Respectfully submitted,

DUHAMEL BROADCASTING ENTERPRISES

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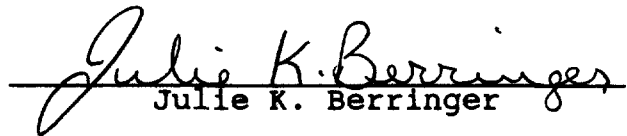
Its Attorneys

Dated: May 7, 1993

CERTIFICATE OF SERVICE

I, Julie K. Berringer, a secretary in the law firm of Fisher, Wayland, Cooper and Leader, do hereby certify that a true copy of the foregoing "COMMENTS OF DUHAMEL BROADCASTING ENTERPRISES" was sent this 7th day of May, 1993, by hand delivery, to the following:

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